

**BILL****SECTION 161**

1       12.04 (2) Except as provided in ~~s. ss.~~ ss. 12.03 or 12.035 or as restricted under sub.  
2       (4), any individual may place a sign containing a political message upon residential  
3       property owned or occupied by that individual during an election campaign period.

4       **SECTION 162.** 12.07 (2) of the statutes is amended to read:

5       12.07 (2) No employer may refuse to allow an employee to serve as an election  
6       official under s. 7.30 or make any threats or offer any inducements of any kind to the  
7       employee for the purpose of preventing the employee from so serving.

8       **SECTION 163.** 12.09 of the statutes is repealed and recreated to read:

9       **12.09 Election threats.** (1) No person may personally or through an agent  
10      make use of or threaten to make use of force, violence, or restraint in order to induce  
11      or compel any person to vote or refrain from voting at an election.

12      (2) No person may personally or through an agent, by abduction, duress, or any  
13      fraudulent device or contrivance, impede or prevent the free exercise of the franchise  
14      at an election.

15      (3) No person may personally or through an agent, by any act compel, induce,  
16      or prevail upon an elector either to vote or refrain from voting at any election for or  
17      against a particular candidate or referendum.

18      **SECTION 164.** 12.13 (3) (ze) of the statutes is created to read:

19      12.13 (3) (ze) Compensate a person who obtains voter registration forms from  
20      other persons at a rate that varies in relation to the number of voter registrations  
21      obtained by the person.

22      **SECTION 165.** 12.13 (4) of the statutes is repealed.

23      **SECTION 166.** 12.60 (1) (b) of the statutes is amended to read:

**BILL****SECTION 166**

1           12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8.,  
2           (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000,  
3           or imprisoned not more than 6 months or both.

4           **SECTION 167.** 12.60 (1) (c) of the statutes is amended to read:

5           12.60 (1) (c) Whoever violates s. 12.13 (3) (am) ~~or (4)~~ may be required to forfeit  
6           not more than \$500.

7           **SECTION 168.** 12.60 (1) (d) of the statutes is amended to read:

8           12.60 (1) (d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to  
9           forfeit not more than \$100.

10          **SECTION 169.** 17.29 of the statutes is amended to read:

11          **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary  
12          provisions in either the general law or in special acts, except ~~ch. 7~~ ss. 6.26 (2) (b), 6.28  
13          (2) (b), 6.55 (6), 6.875, and 7.30 relating to appointed election officers ~~appointed for~~  
14          ~~the election wards or polling places in the state~~ officials and ch. 21 relating to the  
15          military staff of the governor and to officers of the Wisconsin national guard; and  
16          shall govern all offices whether created by general law or special act, unless  
17          otherwise specially provided.

18          **SECTION 170.** 301.03 (3a) of the statutes is created to read:

19          301.03 (3a) Subject to all of the following, design a form to provide notice under  
20          ss. 302.117, 973.09 (4m), and 973.176 (2) of ineligibility to vote under s. 6.03 (1) (b):

21           (a) The form shall inform the person who is ineligible to vote that he or she may  
22           not vote in any election until his or her civil rights are restored.

23           (b) The form shall inform the person who is ineligible to vote when his or her  
24           civil rights are expected to be restored.

**BILL****SECTION 170**

1 (c) The form shall include a place for the person to sign indicating that he or  
2 she understands that he or she may not vote in any election until his or her civil  
3 rights are restored. The form shall include a place also for a witness signature.

4 (d) The department shall retain the form, and a copy shall be given to the  
5 person.

6 **SECTION 171.** 301.03 (20) of the statutes is created to read:

7 301.03 (20) Transmit to the elections board, on a continuous basis, a list  
8 containing the name of each living person who has been convicted of a felony under  
9 the laws of this state and whose civil rights have not been restored, together with his  
10 or her residential address and the date on which the department expects his or her  
11 civil rights to be restored.

12 **SECTION 172.** 302.117 of the statutes is amended to read:

13 **302.117 Notice regarding ineligibility to vote.** When an inmate who is  
14 disqualified from voting under s. 6.03 (1) (b) is released to parole or extended  
15 supervision, the department shall inform the person in writing that he or she may  
16 not vote in any election until his or her civil rights are restored. The department shall  
17 use the form designed under s. 301.03 (3a) to inform the person, and the person and  
18 a witness shall sign the form.

19 **SECTION 173.** 880.33 (9) of the statutes is amended to read:

20 880.33 (9) All the rights and privileges afforded a proposed incompetent under  
21 this section shall be given to any person who is alleged to be ineligible to register to  
22 vote or to vote in an election by reason that such person is incapable of understanding  
23 the objective of the elective process. The determination of the court shall be limited  
24 to a finding that the elector is either eligible or ineligible to register to vote or to vote  
25 in an election by reason that the person is or is not capable of understanding the

**BILL****SECTION 173**

1 objective of the elective process. The determination of the court shall be  
2 communicated in writing by the clerk of court to the election official or agency  
3 charged under s. 6.48, 6.92, 6.925 ~~or~~, 6.93, or 7.52 (5) with the responsibility for  
4 determining challenges to registration and voting which may be directed against  
5 that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5)  
6 and any subsequent determination of the court shall be likewise communicated by  
7 the clerk of court.

8 **SECTION 174.** 973.09 (4m) of the statutes is amended to read:

9 973.09 (4m) The department shall inform each probationer who is disqualified  
10 from voting under s. 6.03 (1) (b) that he or she may not vote in any election until his  
11 or her civil rights are restored. The department shall use the form designed under  
12 s. 301.03 (3a) to inform the probationer, and the probationer and a witness shall sign  
13 the form.

14 **SECTION 175.** 973.176 (2) of the statutes is amended to read:

15 973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant  
16 on probation for a conviction that disqualifies the defendant from voting under s. 6.03  
17 (1) (b), the court shall inform the defendant in writing that he or she may not vote  
18 in any election until his or her civil rights are restored. The court shall use the form  
19 designed by the department of corrections under s. 301.03 (3a) to inform the  
20 defendant, and the defendant and a witness shall sign the form.

21 **SECTION 176. Nonstatutory provisions.**

22 (1) ELECTION-RELATED CONTINGENCY PLANNING. The elections board shall  
23 prepare a report and recommendations with regard to state and local  
24 election-related contingency planning efforts and preparedness regarding natural  
25 disasters or terrorist activities that may occur at or near election time. No later than

**BILL****SECTION 176**

1 the first day of the 7th month beginning after publication of this act, the elections  
2 board shall submit the report and recommendations to the chief clerk of each house  
3 of the legislature for distribution to the appropriate standing committees of the  
4 legislature in the manner provided under section 13.172 (3) of the statutes.

5 (2) AUDITS OF LOCAL ELECTION PRACTICES. The elections board shall prepare  
6 recommendations with regard to random post-election audits of local election  
7 practices to be conducted in the fall of odd-numbered years. The recommendations  
8 shall include recommendations on how election practices in a given municipality  
9 may be reviewed by election officials of other, similar-sized municipalities and how  
10 the state will fund such audits. No later than December 31, 2006, the elections board  
11 shall submit the recommendations to the chief clerk of each house of the legislature  
12 for distribution to the appropriate standing committees of the legislature in the  
13 manner provided under s. 13.172 (3) of the statutes.

14 (3) POLLING PLACE OBSERVATION RULES.

15 (a) The elections board shall submit in proposed form the rules required under  
16 section 7.41 (5) of the statutes, as created by this act, to the legislative council staff  
17 under section 227.15 (1) of the statutes no later than the 60th day beginning after  
18 publication of this act.

19 (b) Using the procedure under section 227.24 of the statutes, the elections  
20 board may promulgate rules required under s. 7.41 (5) of the statutes, as created by  
21 this act, for the period before the effective date of the rules submitted under  
22 paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c)  
23 and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
24 statutes, the board is not required to provide evidence that promulgating a rule  
25 under this paragraph as an emergency rule is necessary for the preservation of the

**BILL****SECTION 176**

1 public peace, health, safety, or welfare and is not required to provide a finding of  
2 emergency for a rule promulgated under this paragraph.

3 (4) FEES FOR COPIES OF REGISTRATION LIST. The elections board may promulgate  
4 emergency rules under section 227.24 of the statutes implementing section 6.36 (6)  
5 of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2)  
6 of the statutes, emergency rules promulgated under this subsection remain in effect  
7 until the date on which permanent rules take effect. Notwithstanding section 227.24  
8 (1) (a) and (3) of the statutes, the elections board is not required to provide evidence  
9 that promulgating a rule under this subsection as an emergency rule is necessary for  
10 the preservation of public peace, health, safety, or welfare and is not required to  
11 provide a finding of emergency for a rule promulgated under this subsection.

12 (5) ELECTION OFFICIALS; INTERIM TERMS. Notwithstanding section 7.30 (6) (a) of  
13 the statutes, as affected by this act, the persons who are appointed as election  
14 officials under section 7.30 (4) of the statutes in 2006 shall serve for terms of one year  
15 and until their successors are appointed and qualified.

16 (6) DISTRIBUTION OF FORMS TO CONVICTED FELONS. No later than the first day of  
17 the 6th month beginning after the effective date of this subsection, the department  
18 of corrections shall distribute, and have signed in front of a witness, a copy of the form  
19 designed under section 301.03 (3a) of the statutes, as created by this act, to each  
20 person who is on probation, parole, or extended supervision on that date and who is  
21 disqualified from voting in any election under section 6.03 (1) (b) of the statutes.

**SECTION 177. Initial applicability.**

22  
23 (1) NOTICE OF SCHOOL DISTRICT REFERENDA. The treatment of section 8.37 of the  
24 statutes first applies to a measure or question that becomes subject to a filing  
25 requirement under section 8.37 of the statutes on the effective date of this subsection.

**BILL****SECTION 177**

1           (2) RECOUNTS. The renumbering and amendment of section 5.90 of the statutes  
2           and the creation of section 5.90 (2) and (3) of the statutes by this act first apply to  
3           recount petitions filed on the effective date of this subsection.

4           (3) TERMS OF CERTAIN POLL WORKERS. The treatment of sections 7.30 (2) (am), (6)  
5           (a), and (6) (am) of the statutes first applies to appointments made on the effective  
6           date of this subsection.

7           (4) PETITIONS FOR RECALL. The treatment of sections 9.10 (2) (b) and (d) and (4)  
8           (a) of the statutes first applies with respect to petitions for recall that are offered for  
9           filing on the effective date of this subsection.

10          (5) CIRCULATORS OF NOMINATION PAPERS AND PETITIONS. The treatment of sections  
11          5.02 (16g), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.40 (2), and 9.10 (2) (em) 2. of the  
12          statutes first applies with respect to nomination paper circulation periods that begin  
13          and petitions that are initially circulated on the effective date of this subsection.

14          (6) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED  
15          SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons  
16          whom the department of corrections releases to parole or extended supervision on  
17          the effective date of this subsection.

18          (7) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The  
19          treatment of section 973.09 (4m) of the statutes first applies to persons whom the  
20          court places on probation on the effective date of this subsection.

21          (8) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The treatment  
22          of section 973.176 (2) of the statutes first applies to persons who are sentenced or  
23          placed on probation on the effective date of this subsection.

24          (9) ELECTION OFFICIAL TRAINING. The treatment of sections 7.15 (1m), 7.30 (2)  
25          (c), and 7.315 of the statutes first applies with respect to elections held in 2008.

**BILL****SECTION 178**

1 → **SECTION 178. Effective dates.** This act takes effect on <sup>JULY</sup> ~~January~~ 1, 2006, or on  
2 the day after publication, whichever is later, except as follows:

3 (1) **EFFECTIVE DATE FOR NOTIFICATION.** The treatment of sections 302.117, 973.09  
4 (4m), and 973.176 (2) of the statutes and SECTION 177 (6), (7), and (8) of this act take  
5 effect on the first day of the 6th month beginning after publication.

6

(END)

Fix eff date component.



**2005-2006 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3947/2ins  
JTK.....

INS 5A:

*"Roving" special registration deputies*

The bill requires "roving" special registration deputies to be trained and to print and sign their names on all registration forms they accept. ~~IN~~ addition, the bill subjects all registration forms accepted by such deputies to a letter or postcard audit by the municipal clerk. Under the bill, the municipal clerk and the Elections Board must maintain a record of the names and addresses of all individuals appointed by the clerk or board as "roving" special registration deputies. ✓

INS 6A:

*Uniform registration forms* <sup>(I)</sup>

Currently, the Elections Board prescribes the content of registration forms in accordance with statutory requirements. This bill requires the board to create uniform registration forms that must be used throughout the state for purposes of registration.

INS 30-8:

^

**SECTION 1.** 6.26 (2) (cm) of the statutes is created to read:

6.26 (2) (cm) The board and each municipal clerk shall maintain a record of the names and addresses of each individual who is appointed by the board or the clerk to serve as a special registration deputy under this section and who has complied with the training requirements for service as a special registration deputy under s. 7.315 (1) (b) 1. ✓

INS 30-17:

^

**SECTION 2.** 6.26 (4) of the statutes is created to read:

6.26 (4) Each special registration deputy under this section who obtains a registration form from an elector shall print his or her name on and sign the form, affirming that the deputy has accepted the form. ✓

ANS 67-14

Section #. 6.97 (2) of the statutes is amended to read:

6.97 (2) Whenever any individual who votes by absentee ballot is required to provide ~~identification~~ <sup>proof of residence</sup> in order to be permitted to vote and does not provide the required ~~identification~~ <sup>proof of residence under</sup>, the inspectors shall write on the back of the absentee ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate on the list the fact that the individual is required to provide ~~identification~~ <sup>proof of residence</sup> but did not do so. The inspectors shall promptly notify the municipal clerk or executive director of the municipal board of election commissioners of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside an envelope on which the name and serial number of the elector is entered and shall place the envelope in a separate carrier envelope.

History: 2003 a. 265.

## SENATE BILL 249

challenge the elector's ballot in the same manner as provided for inspectors who challenge ballots under s. 6.79 (2) (dm).

SECTION 30. 6.32 (3) of the statutes is amended to read:

6.32 (3) If the form is submitted later than the close of registration, the clerk shall make a good faith effort to notify the elector that he or she may register at the clerk's office under s. 6.29 or, at the proper polling place or other location designated under s. 6.55 (2), or, if applicable, at a satellite absentee voting station designated under s. 6.873 (1).

SECTION 31. 6.33 (1) of the statutes, as affected by 2003 Wisconsin Act 265, section 49b, is amended to read:

6.33 (1) <sup>PLAIN</sup> The municipal clerk shall supply sufficient registration forms as prescribed by ~~Except as provided in sub (1m)~~ <sup>keep "the" but strike through it</sup> the board shall prescribe the format, size, and shape of registration forms. All forms shall be printed on loose-leaf sheets <sup>Strike hyphen</sup> or cards and each item of information shall be of uniform font size, as prescribed by the board. The municipal clerk shall supply sufficient forms to meet voter registration needs. The forms shall be designed to obtain from each applicant information as to name; date; residence location; citizenship; date of birth; age; the number of a valid operator's license issued to the elector under ch. 343 or the last 4 digits of the elector's social security account number; whether the applicant has resided within the ward or election district for at least 10 days; whether the applicant has ~~lost his or her right to vote~~ been convicted of a felony for which he or she has not been pardoned, and if so, whether the applicant is incarcerated, or on parole, probation, or extended supervision; whether the application is disqualified on any other ground from voting; and whether the applicant is currently registered to vote at any other location. The forms shall also provide a space for the applicant's

FWS 41-19

Section #. 6.36 (2) (c) 2. of the statutes is amended to read:

6.36 (2) (c) 2. If the registration list is prepared for use at an election for national office, the list shall contain, next to the name of each elector, an indication of whether identification is required for the elector to be permitted to vote. Identification is required if the elector is not a military elector or an overseas elector and the elector registers by mail and has not previously voted in an election for national office in the municipality where the elector is voting.

NOTE: Subd. 2. is amended eff. 1-1-06 by 2003 Wis. Act 265 to read:

~~no B~~ 2. If the registration list is prepared for use at an election for national office, ~~the~~ list shall contain, next to the name of each elector, an indication of whether ~~identification~~ <sup>proof of residence</sup> is required for the elector to be permitted to vote. ~~Identification~~ <sup>proof of residence</sup> is required if the elector is not a military elector or an overseas elector and the elector registers by mail and has not previously voted in an election ~~for national office~~ <sup>under s. 6.34</sup> in this state.

History: 1971 c. 304 s. 29 (2); 1975 c. 85; 1977 c. 394 ss. 21, 22, 53; 1999 a. 49; 2003 a. 265, 327.

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address, and serial number of each of these electors on the appropriate separate list. Alternatively, if the poll list is maintained electronically, the officials may enter on the poll list the information that would otherwise appear on a separate list if the information that would be obtainable from a separate list is entered on the poll list.

(B)

6.79(2)

(d) If the poll list indicates that ~~identification~~ <sup>proof of residence under s. 6.34</sup> is required, the officials shall require the elector to provide ~~identification~~ <sup>proof of residence</sup>. If ~~identification~~ <sup>proof of residence</sup> is provided, the officials shall verify that the name and address on the ~~identification~~ <sup>document</sup> provided is the same as the name and address shown on the registration list. If ~~identification~~ <sup>proof of residence</sup> is required and not provided, the officials shall offer the opportunity for the elector to vote under s. 6.97.

(e) The officials shall then provide each elector with a slip bearing the same serial number as is recorded for the elector upon the poll list or separate list.

History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199, 200; 1977 c. 394, 447; 1979 c. 260, 311, 355; 1985 a. 304; 1989 a. 192; 1999 a. 49, 182; 2001 a. 38, 51; 2003 a. 265, 327.

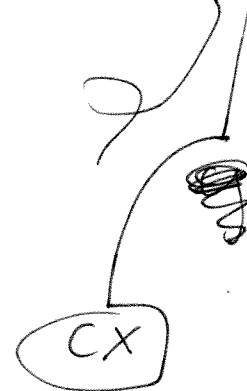
the slip includes any national ID card

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3947/2dn

JTK:...



Robert Conlin:

This redraft implements the instructions in your memo to Senator Leibham dated January 18, 2006. With respect to some remaining questions that I discussed with you or with Eric Schutt and Katie Plona:

1. The Elections Board has not yet promulgated any rules governing the appointment, training and service of so-called "roving" special registration deputies as required by s. 6.26 (3), stats. and it appears that none are proposed at this time. Therefore, the tenure of a special registration deputy, both currently and under the draft, is indefinite. If the board promulgates a rule requiring deputies to receive training at some minimum prescribed interval, the rule would have the effect of limiting the tenure of deputies because that tenure would automatically terminate if a deputy failed, at any interval, to meet the minimum training requirement.

2. Per instructions of Eric Schutt and Katie Plona, this redraft adds a requirement for the Elections Board and municipal clerks and boards of election commissioners to keep a current record of the names and addresses of individuals who they appoint as "roving" special registration deputies under s. 6.26, stats. See proposed s. 6.26 (2) (cm), stats.

3. I have deleted the delayed special effective date for requirements to inform prisoners, parolees, and probationers of their voting rights under proposed ss. 302.117, 973.09 (4m), and 973.176 (2), stats. Under this draft, the effective date of these provisions will be the same as for other provisions of the draft July 1, 2006.

4. Eric Schutt and Katie Plona asked that I review the drafter's note to the /1 draft to identify the items that are still applicable to this draft, especially those that might be easily addressed. You and I reviewed these items with Russ Whitesel.

The third point under <sup>Item</sup> #10 (Audit of registrations taken by "roving" special registration deputies); #11 (Compliance with HAVA voter identification requirements); and Item #18 (Delayed effective date) have been addressed in this redraft. All the other items are not addressed in this draft.

Some of the items concern the workability of the draft and if not addressed at this point will eventually require corrective legislation. Of those, the most significant are #3

(Counting of ballots at the spring election after elected officers take office); #4 (Decreasing the time permitted for mailing and return of absentee ballots); #8 (Use of self-created and non-expiring documents as voting identification); #11 (Treatment of HAVA citizenship question on voter registration forms); and #15 (Use of alternate absentee ballot canvassing procedure).

Less significant though still problematic items include #2 (Allowance of sufficient time for clerks to send absentee ballots to alternate addresses); #6 (Registration at addresses that differ from voting addresses); #9 (Writing multiple checks to obtain copies of registration lists); #12 (Objection from home or facility owners to posting of notices or entry of observers) and #14 (Coordination of municipal canvassing reporting deadline with county canvassing deadline).

Item #5 relates to a constitutional issue that potentially could undercut the provisions of the draft that accord different treatment to the ballots of military and indefinitely confined electors.

Other items are sufficiently minor that it would probably be possible to address them at this point if you wish. They are #1 (Elections Administration Council advice regarding procurement of ballots and materials, in addition to election apparatus, ballot forms and supplies); #7 (DOT information to Elections Board regarding surrendered drivers' licenses; entry of drivers' license information on a list separate from the registration list); #10 (Clarifying who has the responsibility to perform on-site voter registration audits and extension of auditing procedures contained in the draft to duplicate voting audits); #13 (Designation of clerks' employees or police officers to close polling place lines); #16 (Posting of total number of outstanding absentee ballots on election night); and #17 (Required interval for notification of county clerks of ballot questions; application of notification requirements to nonschool special purpose districts).

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3947/2dn  
JTK:cx:pg

January 25, 2006

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